IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 147 OF 2007
WITH
FAMILY COURT APPEAL NO. 88 OF 2007

Pournima Prashant Munde & Anr. ... Applicants

V/s.

Prashant Dhanpal Munde ... Respondent

Ms. P.V. Abhyankar i/by Mr. S.A. Bhagwat for the Applicants

None for the Respondent.

CORAM: **J.N. PATEL AND A.A. SAYED, JJ.**

DATE: **SEPTEMBER 18, 2007**

P.C.:-

1. In spite of repeated opportunities, none appears for the respondent.

2. This is an application filed by the appellants seeking direction of this Court to the respondent to clear all arrears of maintenance as awarded by the Family Court and for

enhancement of maintenance to minimum of Rs.7,500/- per month as an interim order in favour of the appellants till the appeal is finally disposed of.

3. It is the case of the appellants that they had filed a petition under Sections 18 and 20 of the Hindu Adoption and Maintenance Act, 1956, claiming maintenance and separate residence. The Family Court, by the impugned order, partly allowed the petition, and rejected the claim of the appellant-wife for maintenance, but directed the respondent-husband to pay a sum of Rs.2,000/- per month by way of maintenance to minor child Shravni from the date of passing of the order.

4. In view of the fact that the appellant-wife has been denied maintenance by the Family Court on merits, it will not be proper to pass any interim order in her favour, but there is no reason why the respondent-husband should not pay the maintenance awarded to the child, and, therefore, we direct the respondent to clear all arrears of maintenance as awarded by the Family Court by the impugned order dated 16th April, 2007 within a period of four weeks. On failure of the respondent to comply with

this order, his right to defend the appeal will stand struck off.

5. Civil Application stands disposed of accordingly.

6. For further direction / order, Appeal is adjourned for four weeks.

J.N. PATEL, J.

A.A. SAYED, J.